

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

DONALD J. FRIES,

Defendant.

Case No. 6:20-po-00342-HBK-1

ORDER MOOTING GOVERNMENT'S
MOTION AND GRANTING GOVERNMENT'S
AMENDED MOTION TO CONVERT
CITATIONS TO COLLATERAL FINES
MOTION

(Doc. Nos. 21, 22)

Pending before the Court is the Government's amended motion to convert Defendant's citations from mandatory appearances to collateral fines filed on April 30, 2025. (Doc. No. 22).¹ On October 22, 2019, Defendant was issued Violation Nos. 9290367, 9290370, and 9290369, charging Defendant with violating 36 C.F.R. § 4.21(c), exceeding the posted speed limit, 36 C.F.R. § 4.2(b), adopting California Vehicle Code 16028(a) failure to provide evidence of financial responsibility, and 36 C.F.R. § 4.2(b), adopting California Vehicle Code 12500(a) driving without a driver's license. (Doc. Nos. 1, 4, 5). The Violation Notices required Defendant's mandatory appearance, although the cited offense may be issued as a bailable offense, which affords a defendant to post collateral instead of making an initial appearance. The Government seeks to exercise its discretion and convert the Violation Notices to collateral fines,

¹ The Government's earlier filed motion (Doc. No. 21) is mooted by the later filed motion. (Doc. No. 22).

1 which Defendant agrees to pay. *See e.g. James & Elizabeth Console Fam. v. United States*, No.
2 23-CV-652-DMS-BLM, 2023 WL 6120609, at *4 (S.D. Cal. Sept. 18, 2023) (“Prosecutorial
3 discretion is defined as [a] prosecutor’s power to choose from the options available in a criminal
4 case, such as filing charges, prosecuting, not prosecuting, plea-bargaining, and recommending a
5 sentence to the court.” (internal quotation mark and citation omitted))

6 Accordingly, it is ORDERED:

- 7 1. The Government’s Motion (Doc. No. 21) is MOOT.
- 8 2. The Government’s Amended Motion (Doc. No. 22) is GRANTED to the extent set
9 forth herein.
- 10 3. The Clerk shall CONVERT Violation No. 9290367 to a collateral fine in the amount
11 of \$200, plus a \$30 processing fee; Violation No. 9290370 to a collateral fine of
12 \$200, plus a \$30 processing fee; and Violation No. 9290370 to a collateral fine in the
13 amount of: \$350, plus a \$30 processing fee.
- 14 4. The Court CONTINUES Defendant’s First Status Conference scheduled for Tuesday,
15 May 13, 2025 at 10:00 A.M. to Tuesday, June 17, 2025 at 10:00 A.M.
- 16 5. Defendant **shall have thirty (30) days** from the date of this Order to pay all of the
17 collateral fines to the Central Violation Bureau.
- 18 6. If Defendant fails to timely make payment, Defendant must personally appear at his
19 continued Status Conference on Tuesday, June 17, 2025 at 10:00 A.M. in Yosemite.
20 Defendant’s failure to appear will result in a bench warrant issued for his arrest.
- 21 7. Upon notice by the Central Violation Bureau of receipt of full payment, the Clerk shall
22 automatically vacate the June 17, 2025 Status Conference and CLOSE this case.

23
24 Dated: May 6, 2025


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE